PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 4 LGN 62, Bangalore, dated 24th July 1965.

Ordered that the Code of Criminal Procedure (Mysore Amendment) Act, 1965, which received the assent of the President on the Twelfth day of July 1965, be published as Mysore Act No. 13 of 1965 in the *Mysore Gazette*, for general information.

MYSORE ACT No. 13 OF 1965.

(*First published in the* Mysore Gazette *on the Twenty-nineth day of July* 1965).

THE CODE OF CRIMINAL PROCEDURE (MYSORE AMENDMENT) ACT, 1965.

An Act to amend the Code of Criminal Procedure, 1898, in its application to the State of Mysore.

(*Received the assent of the President on the Twelfth day of July 1965*).

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), in its application to the State of Mysore, to provide for a uniform law for the separation of the performance of judicial and executive functions by officers in the State and for certain other matters hereinafter appearing;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Code of Criminal Procedure (Mysore Amendment) Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette appoint.

2. Repeal of certain Acts in force in the Bombay Area of the State.—(1) The following enactments in force in the Bombay Area of the State are hereby repealed:—

(i) The Bombay Separation of Judicial and Executive Functions Act, 1951 (Bombay Act 23 of 1951);
(ii) The Bombay Separation of Judicial and Executive Functions (Supplementary) Act, 1954 (Bombay Act 8 of 1954);
(iii) The Bombay Criminal Procedure (Amendment) Act, 1953 (Bombay Act 34 of 1953);

(iv) The Code of Criminal Procedure (Bombay Amendment) Act, 1954 (Bombay Act 71 of 1954);
(v) The Code of Criminal Procedure (Bombay Amendment) Act, 1955 (Bombay Act 39 of 1955);
(vi) The Code of Criminal Procedure (Bombay Amendment) Act, 1956 (Bombay Act 20 of 1956).

(2) As from the date this Act comes into force the amendments made in the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) (hereinafter referred to in this Act as the principal Act,) by the enactments repealed by sub-section (1) (hereinafter in this section referred to as the "repealed Acts"), shall cease to continue and shall be omitted from the Code and such of the provisions thereof as were affected by the repealed Acts shall stand revived to the extent to which they would have otherwise continued in operation, but for the passing of the repealed Acts; and after such revival, the amendments made to the Code by this Act shall become operative :

Provided that in respect of the provisions which cease to continue by virtue of this section, the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act 3 of 1899), shall be applicable, as if such provisions were enactments repealed by a Mysore Act and in respect of provisions which cease to continue, but are re-enacted by this Act, the provisions of section 24 of the said Mysore General Clauses Act, 1899, shall be applicable as if the said provisions had been repealed but re-enacted by a Mysore Act.

3. Substitution of new section for section 6.—For section 6 of the principal Act, the following section shall be substituted, namely :—

"**6. Classes of Criminal Courts.**—Besides the High Court and the Courts constituted under any law other than this Code for the time being in force, there shall be two classes of Criminal Courts in the State of Mysore, namely :—

(I) Courts of Session ;
(II) Courts of Magistrates."

4. Insertion of a new section 6A.—After section 6 of the principal Act, the following heading and section shall be inserted, namely .—

"A-1—Classes of Magistrates.

6-A. Classes of Magistrates.—There shall be the following classes of Magistrates, namely :—

I. Judicial Magistrates.—

(1) Magistrates of the First Class;
(2) Magistrates of the Second Class;
(3) Magistrates of the Third Class;
(4) Special Judicial Magistrates.

II. Executive Magistrates.—

(1) District Magistrates;
(2) Sub-Divisional Magistrates;
(3) Taluk Magistrates;
(4) Special Executive Magistrates."

5. Substitution of new section for section 7.—For section 7 of the principal Act, the following section shall be substituted, namely :—

"7. Sessions Divisions and Districts.—(1) The State of Mysore shall consist of Sessions Divisions; and every Sessions Division shall, for the purposes of this Code, be a district or consist of districts.

(2) The State Government may alter the limits or the number of such divisions and districts.

(3) The Sessions Divisions and districts existing when the Code of Criminal Procedure (Mysore Amendment) Act, 1965, comes into force shall be sessions divisions and districts respectively, unless and until they are so altered".

6. Amendment of section 10.—In section 10 of the principal Act,—

(i) in sub section (1), the words "Magistrate of the first class, who shall be called the" shall be omitted;

(ii) in sub-section (2),—

(a) for the words "any Magistrate of the First Class to be an Additional District Magistrate", the words "one or more Additional District Magistrates", shall be substituted; and

(b) for the words "such Additional District Magistrate" the words "an Additional District Magistrate" shall be substituted;

(iii) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) For the purposes of sub-section (3) of section 192, and sub-sections (3) and (3A) of section 528, an Additional District Magistrate shall be deemed to be subordinate to the District Magistrate."

7. Substitution of new sections for sections 12, 13 and 14.—For sections 12, 13 and 14 of the principal Act, the following sections shall be substituted, namely :—

"**12. Judicial Magistrates.**—(1) The State Government may appoint as many persons as it thinks fit, to be Magistrates of the first, second or third class in any district, and the Sessions Judge, subject to the control of the High Court, may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code :

Provided that the power of appointment of Magistrates under this sub-section shall on the issue of a public notification under Article 237 of the Constitution, be exercised subject to the terms of the said notification.

(2) Except as otherwise provided by such definition, the jurisdiction and powers of such Magistrates shall extend throughout such district.

13. Appointment of Sub-Divisional Magistrates and Taluk Magistrates and their Jurisdiction.—(1) The State

Government may appoint as many persons as it thinks fit to be Sub-Divisional Magistrates and Taluk Magistrates in any district.

(2) The State Government, or, subject to the control of the State Government, the District Magistrate, may place,—

(i) one or more Sub-Divisional Magistrates in charge of a Sub-Division, and

(ii) one or more Taluk Magistrates in charge of a Taluk.

14. Special Magistrates.—(1) The State Government may, in consultation with the High Court, confer upon any person who holds or has held any judicial post under the Union or a State, or possesses such other qualifications as may, in consultation with the High Court, be specified in this behalf by the State Government by notification in the official Gazette, all or any of the powers conferred or conferable by or under this Code, on a Judicial Magistrate in respect to particular cases or to a particular class or classes of cases, or in regard to cases generally in any local area. Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term as the State Government may, in consultation with the High Court, by general or special order, direct.

(2) The State Government may also appoint Executive Magistrates for particular areas or for the performance of particular functions and confer upon them such powers as it deems fit. Such Magistrates shall be called Special Executive Magistrates and shall be appointed for such term as the State Government may, by general or special order direct :

Provided that no powers shall be conferred under this sub-section on any police officer below the grade of Assistant or Deputy Superintendent and no power shall be conferred on a police officer, except so far as may be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being

brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force.

(3) The State Government may delegate, with such limitations as it may think fit, to any other officer under its control the powers conferred by sub-section (2)."

8. Amendment of section 15.—In sub-section (1) of section 15 of the principal Act, for the word "Magistrates" the words "Judicial Magistrates" shall be substituted.

9. Amendment of section 16.—In section 16 of the principal Act, for the words "The State Government may, or, subject to the control of the State Government, the District Magistrate", the words "The High Court, subject to the approval of the State Government" shall be substituted.

10. Amendment of section 17.—In section 17 of the principal Act,—

(i) in sub-section (1),—

(*a*) for the words "All Magistrates" the words "All Judicial Magistrates" shall be substituted ;

(*b*) the figures "13" shall be omitted ;

(*c*) for the words "District Magistrate", the words "Sessions Judge" shall be substituted ;

(*d*) the word "and" at the end shall be omitted ;

(ii) Sub-section (2) and sub-section (5) shall be omitted ;

(iii) in the marginal note to the said section, for the word "Magistrates", the words "Judicial Magistrates" and for the words "District Magistrate", the words "Sessions Judge" shall be substituted.

(iv) in sub-section (4) for the words "by the District Magistrate, and such Judge or Magistrate" the words "by the Sessions Judge or Additional or Assistant Sessions Judge of an adjoining

sessions Division, and such Judge" shall be substituted.

11. Insertion of new sections 17A and 17B.—After section 17 of the principal Act, the following sections shall be inserted, namely :—

"**17A. Subordination of Executive Magistrates.**—(1) All Executive Magistrates appointed under section 13 or section 14 shall be subordinate to the District Magistrate ; and every Taluk Magistrate shall also be subordinate to the Sub-Divisional Magistrate, subject, however, to the general control of the District Magistrate.

(2) The District Magistrate may, from time to time, make rules or give special orders, consistent with this Code, as to the distribution of business among the Magistrates subordinate to him and as to allocation of business to an Additional District Magistrate.

17B. Inferior Criminal Courts.—Courts of Session and Courts of Magistrates shall be criminal courts inferior to the High Court and Courts of Magistrates shall be criminal courts inferior to the Court of Session."

12. Amendment of section 29B.—In section 29B of the principal Act,—

(*i*) the words "a District Magistrate or" shall be omitted ;

(*ii*) for the words "by any Magistrate specially empowered by the State Government", the words "by any Judicial Magistrate specially empowered by the State Government" shall be substituted.

13. Amendment of section 30.—In section 30 of the principal Act, the words "District Magistrate", at both the places where they occur, shall be omitted.

14. Amendment of section 36.—In section 36 of the principal Act, for the words "District Magistrates, Sub-Divisional Magistrates and Magistrates of the first, second and third classes", the words "Judicial and Executive Magistrates other than Special Judicial and Special Executive Magistrates" shall be substituted.

15. Substitution of new section for section 37.—For section 37 of the principal Act, the following section shall be substituted, namely :—

"**37.—Additional powers conferrable on Magistrates.**—(1) In addition to his ordinary powers, the State Government may invest any Magistrate with any of the powers as specified in the Fourth Schedule.

(2) The State Government may authorise a District Magistrate to invest any Magistrate subordinate to him with any of the powers specified in Part II of the Fourth Schedule."

16. Amendment of section 38.—In section 38 of the principal Act, for the words "conferred on the District Magistrate by", the words "delegated to the District Magistrate under" shall be substituted.

17. Amendment of section 57.—In sub-section (2) of section 57 of the principal Act, for the words "before a Magistrate, if so required", the words "before a Magistrate having jurisdiction, if so required" shall be substituted.

18. Amendment of section 63.—In section 63 of the principal Act, for the words "special order of a Magistrate", the words "special order of a Magistrate having jurisdiction" shall be substituted.

19. Amendment of section 78.—In sub-section (1) of section 78 of the principal Act, after the words "or Sub-Divisional Magistrate", the words "or Magistrate of the First Class" shall be inserted.

20. Amendment of section 88.—In section 88 of the principal Act, in sub-section (6C) the words "of the first or second class" shall be omitted.

21. Amendment of section 106.—In sub-section (1) of section 106 of the principal Act, the words "a District Magistrate, a Sub-Divisional Magistrate" shall be omitted.

22. Amendment of section 107.—In sub-section (1) of section 107 of the principal Act, for the words "Magistrate of the first class", the words "a Magistrate of the first class specially empowered by the State Government in this behalf" shall be substituted.

23. Amendment of section 108.—In section 108 of the principal Act, after the words "District Magistrate" the words "or Sub-Divisional Magistrate" shall be inserted.

24. Amendment of section 109.—In section 109 of the principal Act, for the words "Magistrate of the first class", the words "a Magistrate of the first class specially empowered by the State Government in this behalf" shall be substituted.

25. Amendment of section 126.—In section 126 of the principal Act,—

(i) in sub-section (1), for the words "to a Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class", the words "to the court by which an order was made to give security" shall be substituted; and for word 'his' the word 'its' shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) On such application being made, the Court shall issue summons or warrant, as it may think fit, requiring the person for whom such surety is bound, to appear or to be brought before it."

26. Amendment of section 133.—In sub-section (1) of section 133 of the principal Act,—

(i) for the words "a Magistrate of the First Class", the words "a Magistrate of the first class specially empowered by the State Government in this behalf" shall be substituted;

(ii) in the last paragraph, for the words "to appear before himself or some other Magistrate of the first or second class" the words "to appear before himself or some other Executive Magistrate" shall be substituted.

27. Amendment of section 143.—In section 143 of the principal Act, for the words "A District Magistrate or Sub-Divisional Magistrate or any other Magistrate empowered by the State Government or the District Magistrate in this behalf", the words "A Magistrate of the First Class specially empowered by the State Government in this behalf or a District Magistrate or Sub-Divisional Magistrate, or any other Executive Magistrate empowered either by the State Government or the District Magistrate in this behalf" shall be substituted.

28. Amendment of section 144.—In sub-section (1) of section 144 of the principal Act, for the words and brackets "any other Magistrate, (not being a Magistrate of the third Class)", the words "any other Executive Magistrate" shall be substituted.

29. Amendment of section 164.—In sub-section (1) of section 164 of the principal Act, for the words "any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf by the State Government" the words "any District Magistrate, any Sub-Divisional Magistrate, any Magistrate of the first class, or any other Magistrate specially empowered by the State Government in this behalf" shall be substituted.

30. Amendment of section 167.—In section 167 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Any Magistrate giving such order shall forward a copy of his order with his reasons for making it, to the Sessions Judge."

31. Amendment of section 170.—In section 170 of the principal Act, sub-section (3) shall be omitted.

32. Amendment of section 186.—In sub-section (1) of section 186 of the principal Act, for the words "a Presidency Magistrate, a District Magistrate, a Sub-Divisional Magistrate or if he is specially empowered in this behalf by the State Government, a Magistrate of the first class" the words " a Judicial Magistrate " shall be substituted.

33. Amendment of section 187.—In sub-section (1) of section 187 of the principal Act, for the words "by a Magistrate other than a Presidency Magistrate or District Magistrate, such Magistrate shall send the person arrested to the District or Sub-Divisional Magistrate" the words "the Magistrate issuing the warrant shall send the person arrested to the Sessions Judge', shall be substituted.

34. Amendment of section 190.—In section 190 of the principal Act,—

(1) in sub-section (1),

(a) the words "District Magistrate or Sub-Divisional Magistrate," shall be omitted;

(*b*) for the words "any other Magistrate" the words " any Magistrate of the first class, or any Magistrate of the second or third class" shall be substituted;

(2) sub-sections (2) and (3) shall be omitted.

35. Amendment of section 192.—In section 192 of the principal Act,—

(1) sub-section (1) shall be omitted;

(2) in sub-section (2),—

(*a*) for the words "Any District Magistrate" the words "A Sessions Judge" shall be substituted;

(*b*) for the words "in his district", the words "in the Sessions Division" shall be substituted.

36. Amendment of section 206.—In sub-section (1) of section 206 of the principal Act, the words "District Magistrate, Sub-Divisional Magistrate" shall be omitted.

37. Amendment of section 249.—In section 249 of the principal Act, for the words "a Presidency Magistrate, a Magistrate of the first class or with the previous sanction of the District Magistrate, any other Magistrate" the words "a Judicial Magistrate" shall be substituted.

38. Amendment of section 260.—In sub-section (1) of section 260 of the principal Act, the clause "(*a*) District Magistrate" shall be omitted.

39. Amendment of section 337.—In the proviso to sub-section (1) of section 337 of the principal Act, the words "other than the District Magistrate" shall be omitted; and for the words "sanction of the District Magistrate", the words "sanction of the Sessions Judge" shall be substituted.

40. Amendment of section 346.—In sub-section (1) of section 346 of the principal Act, after the words "District Magistrate" the words "or Sessions Judge, as the case may be," shall be inserted.

41. Amendment of section 349.—In section 349 of the principal Act,—

(1) in sub-section (1), for the words "to the District Magistrate or Sub-Divisional Magistrate, to whom he is

subordinate", the words "to a Magistrate of the first class specially empowered in this behalf by the State Government" shall be substituted;

(2) in sub-section (1A), for the words "the District Magistrate or Sub-Divisional Magistrate", the words, brackets and figure "the Magistrate empowered under sub-section (1)" shall be substituted.

42. Amendment of section 380.—In section 380 of the principal Act, the words "or a Sub-Divisional Magistrate" shall be omitted.

43. Amendment of section 406A.—In section 406A of the principal Act, for clauses (*b*) and (*c*), the following clause shall be substituted, namely :—

"(*b*) if made by any other Magistrate, to the Court of Session."

44. Substitution of new section for section 408.—For section 408 of the principal Act, the following section shall be substituted, namely :—

"**408. Appeal from sentence of Assistant Sessions Judge or any Magistrate.**—Any person convicted on a trial held by an Assistant Sessions Judge or a Judicial Magistrate or any person sentenced under section 349 or in respect of whom an order has been made or a sentence has been passed under section 380 by a Judicial Magistrate may appeal to the Court of Session :

Provided that—

(1) when in any case an Assistant Sessions Judge or a Judicial Magistrate specially empowered under section 30 passes any sentence of imprisonment for a term exceeding four years, the appeal of all or any of the accused convicted at such trial shall lie to the High Court ; and

(2) when any person is convicted for an offence under section 124A of the Indian Penal Code, the appeal shall lie to the High Court."

45. Amendment of section 413.—In section 413 of the principal Act, for the words "District Magistrate or other Magistrate", the words "a Magistrate" shall be substituted.

46. Amendment of section 435.—In section 435 of the principal Act,—

(i) in sub-section (1), the words "or District Magistrate, or any Sub-Divisional Magistrate empowered by the State Government in this behalf" and the explanation to the said sub-section shall be omitted;

(ii) sub-sections (2) and (4) shall be omitted.

47. Amendment of section 436.—In section 436 of the principal Act, for the words "may direct the District Magistrate by himself or by any of the Magistrates subordinate to him, to make, and the District Magistrate may himself make, or direct any subordinate Magistrate to make," the words "may direct the Judicial Magistrate to make" shall be substituted.

48. Amendment of section 437.—In section 437 of the principal Act, the words "or District Magistrate" and "or Magistrate" wherever they occur shall be omitted.

49. Amendment of section 438.—In section 438 of the principal Act, the words "or District Magistrate" shall be omitted.

50. Insertion of new section 476C.—After section 476B of the principal Act, the following section shall be inserted, namely :—

"**476C. Power to order costs.**—A criminal court dealing with an application made to it for filing a complaint under section 476 or section 476A, and a court dealing with an appeal under section 476B and the High Court dealing with an application for revision shall have power to make such order as to costs as may be just :

Provided that no such order shall be made against the Government or any public servant acting on behalf of the Government."

51. Amendment of section 479.—In section 479 of the principal Act, the words "District Magistrate" shall be omitted.

52. Amendment of section 488.—In sub-section (1) of section 438 of the principal Act, the words "the District Magistrate" and "a Sub-divisional Magistrate" shall be omitted.

53. Amendment of section 515.—In section 515 of the principal Act,—

(i) the words "or District Magistrate" shall be omitted; and

(ii) for the words "the District Magistrate", the words "the Sessions Judge" shall be substituted.

54. Insertion of new Chapter XLII A.—After Chapter XLII of the principal Act, the following Chapter shall be inserted, namely :—

"CHAPTER XLII—A.

OF COSTS TO BE PAID BY THE COMPLAINANT OR INFORMANT

516AA. Power to order costs against complainant or informant.—(1) If in any case instituted upon complaint or upon information given to a Police Officer or to a Magistrate, the accused is ordered to be discharged or acquitted by any court (including a court of appeal or revision) or if in any such case the proceedings are quashed by the High Court by an order made under section 561A, and if such court is of the opinion that the complaint was made or the information was given without any reasonable and probable cause,

it may, at the time of making such order, if the complainant or informant is present, call upon him forthwith to show cause why he should not be ordered to pay costs to such person ; or if the complainant or informant is not present, direct the issue of notice to him to appear and show cause as aforesaid.

(2) The court shall record and consider any cause which such complainant or informant may show and may make an order directing him to pay the whole or any part of such costs. Such costs may include any expenses incurred in respect of witnesses and of pleader's fee which the court considers reasonable.

(3) The court may, by the order directing the payment of costs under sub-section (2), further order that in default of payment, the person ordered to pay such costs shall suffer simple imprisonment for a period not exceeding thirty days.

(4) When any person is imprisoned under sub-section (3), the provisions of sections 68 and 69 of the Indian Penal Code, shall, so far as may be, apply.

(5) No person who has been directed to pay costs by an order made under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him.

(6) Where any such order is made by a magistrate and the amount directed to be paid exceeds fifty rupees, the complainant or the informant may, within sixty days from the date of the order, appeal against it to the Court of Session.

(7) In cases where the order is appealable under sub-section (6), the costs shall not be paid before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided and in other cases, the costs shall not be paid before the expiration of one month from the date of the order."

55. Amendment of section 524.—In sub-section (1) of section 524 of the principal Act, for the words "of a Magistrate of the first class", the words "of an Executive Magistrate" shall be substituted.

56. Amendment of section 528.—In section 528 of the principal Act,—

(i) in sub-section (2), for the words "District Magistrate or Sub-divisional Magistrate", the words "Sessions Judge" shall be substituted;

(ii) in the marginal note to sub-section (2), for the words "District or Sub-divisional Magistrate", the words "Sessions Judge" shall be substituted;

(iii) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) Where the District Magistrate authorised under sub-section (3) withdraws any case from any Magistrate subordinate to him, he may inquire into or try such case himself or refer it for inquiry or trial to any other Magistrate subordinate to him and competent to inquire into or try the same.";

(iv) sub-section (6) shall be omitted.

57. Insertion of new sections 539C and 539D.—After section 539B of the principal Act, the following sections shall be inserted, namely:—

"**539C. Other powers of magistrates.**—Any magistrate shall be entitled to attest, verify or authenticate documents brought before him for the purpose of attestation, verification or authentication, as the case may be, and to affix seals thereon, as may be prescribed by any law for the time being in-force.

539D. Attestation, etc., of documents and use of seal by Justice of the Peace.—Any Justice of the Peace (not being a legal practitioner) shall be entitled to attest, verify or authenticate documents brought before him for the purpose

of attestation, verification or authentication, as the case may be, and to affix such seal thereon as may be prescribed by the State Government by notification in the official Gazette."

58. Insertion of new sections 554-A and 554-B.—After section 554 of the principal Act, the following sections shall be inserted namely :—

"**554A. Seal of Courts.**—Every Criminal Court under this Code shall use a seal which shall bear thereon the Mysore State Emblem and shall be in such form, of such dimensions and with the name of the Court in such languages as the State Government may by order in the official Gazette determine.

554B. Holidays.—The Criminal Courts in the State or in any area of the State shall be closed on such days as may be notified by the State Government in the official Gazette as public holidays for the whole State or for such area in the State."

59. Amendment of section 559.—In sub-section (2) of section 559 of the principal Act, for the words "the District Magistrate" the words "the Sessions Judge" shall be substituted.

60. Amendment of section 561.- -In section 561 of the principal Act, for the words "District Magistrate" in both the places where they occur, the words "a Magistrate of the first class" shall be substituted.

61. Amendment of section 562.—In the proviso to sub-section (1) of section 562 of the principal Act, the words "or Sub-divisional Magistrate" shall be omitted.

62. Amendment of section 565.—In sub-section (1) of section 565 of the principal Act, the words "District Magistrate, Sub-Divisional Magistrate" shall be omitted.

63. Amendment of Schedule II—In column 8 of Schedule II to the principal Act,—

(i) for the words "Any Magistrate" wherever they occur, the words "Any Judicial Magistrate" shall be substituted;

(ii) in the entry relating to section 124A, the words "or District Magistrate" shall be omitted;

(iii) in the entry relating to section 376, for the words "District Magistrate", the words "Magistrate of the First Class" shall be substituted;

(iv) in the entry relating to section 509, in the third column, for the words "Shall not", the word "May" shall be substituted; and

(v) in the entry relating to section 510, in the third column, for the word "Ditto", the words "Shall not arrest without warrant" shall be substituted.

64. Amendment of Schedule III.—In Schedule III to the principal Act, –

(a) in Part I,—

(i) after item (14), the following item shall be inserted, namely :—

'(14AA) Power to issue process for persons within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.'

(ii) after item (14A), the following item shall be inserted, namely:—

'(14B) Power to stop proceedings when no complaint, section 249'."

(iii) in item (17), for the words "District Magistrate." the words "Session Judge" shall be substituted,

(b) in Part III,—

(i) after item (1), the following item shall be inserted, namely :—

"(1A) Power to direct warrants to land-holders, section 78."

(ii) items (4), (5) and (6a) shall be omitted;

(iii) after item (7b), the following item shall inserted namely :—

"(7c) Power to take cognisance of offences upon complaint, upon police report and without complaint, section 190."

(iv) item (9) shall be omitted."

(c) after Part III, the following Part shall be inserted, namely :—

"**IIIA. Ordinary powers of a Taluk Magistrate.**— (1) Power to arrest or direct the arrest of, and to commit to custody, a person committing an offence in his presence, section 64.

(2) Power to arrest, or direct the arrest in his presence, of an offender, section 65.

(3) Power to endorse a warrant, or, to order removal of an accused person arrested under a warrant, sections 83, 84 and 86.

(4) Power to require search to be made for letters and telegrams, section 95.

(5) Power to issue search warrant, section 96.

(6) Power to endorse a search warrant and order delivery of things found, section 99.

(7) Power to command unlawful assembly to disperse, section 127.

(8) Power to use civil force to disperse unlawful assembly, section 128.

(9) Power to require military force to be used to disperse unlawful assembly, section 130.

(10) Power to authorise detention of a person during police investigation, section 167.

(11) Power to recover penalty on forfeited bond, section 514; and to require fresh security, section 514A.

(12) Power to make order as to disposal of property, section 517.

(13) Power to sell perishable property, section 525."

(*d*) in Part IV,—

(i) for item (1), the following item shall be substituted, namely :—

"(1) The ordinary powers of a Taluk Magistrate".

(ii) after item (2), the following items shall be inserted, namely :—

"(2a) Power to issue search warrant otherwise than in the course of an inquiry, section 98.

(2b) Power to issue search warrant for discovery of persons wrongfully confined, section 100.

(2c) Power to require security to keep the peace, section 107.

(2d) Power to require security for good behaviour, section 108.

(2e) Power to require security for good behaviour, section 109."

(iii) after item (3), the following items shall be inserted, namely :—

"(4) Power to discharge sureties, section 126A.

(4a) Power to make orders as to local nuisances, section 133.

(4b) Power to make order, etc. in possession cases, sections, 145, 146 and 147."

(iv) after item (8), the following item shall be inserted, namely :—

"(8a) Power to record statements and confessions during a police investigation, section 164"

(v) for item (9), the following item shall be substituted, namely :—

"(9) Power to hold inquests, section 174."

(vi) items (12) to (16) (both inclusive) shall be omitted.

(vii) item (19) shall be omitted

(e) **In Part V,—**

(i) items (1a), (7), (8), (9), (9a), (10), (11), (12), (13), (14) and (19) shall be omitted.

(ii) in item (4), the words "in case of sedition" shall be omitted.

65. Substitution of new Schedule for Schedule IV.—For Schedule IV to the principal Act, the following Schedule shall be substituted, namely :—

"SCHEDULE IV

(*See* sections 37 and 38)

PART I

Additional powers with which Magistrates may be invested. By the State Government.

I. Powers with which a Magistrate of the First Class may be invested :—

(1) Power to require security to keep the peace, section 107.

(2) Power to require security for good behaviour, section 108.

(3) Power to require security for good behaviour, section 109.

(4) Power to require security for good behaviour, section 110.

(5) Power to make orders as to local nuisances, section 133.

(6) Power to make orders prohibiting repetition of nuisances, section 143.

(7) Power to try summarily section 260.

(8) Power to pass sentence on proceedings recorded by a Magistrate of the Second Class or Third Class, section 349.

(9) Power to try cases under section 124A of the Indian Penal Code.

II. Powers with which a Magistrate of the Second Class may be invested :—

(1) Power to record statements and confessions during a police investigation, section 164.
(2) Power to authorise detention of a person in the custody of the police during a police investigation, section 167.
(3) Power to hold inquests, section 174.
(4) Power to take cognizance of offences upon complaint, section 190.
(5) Power to take cognizance of offences upon police reports, section 190.
(6) Power to take cognizance of offences without complaint, section 190.
(7) Power to commit for trial, section 206.
(8) Power to make order as to first offenders, section 562.

III. Powers with which a Magistrate of the Third Class may be invested :—

(1) Power to record statements and confessions during a police investigation, section 164.
(2) Power to hold inquests, section 174.
(3) Power to take cognizance of offences upon complaint, section 190.
(4) Power to take cognizance of offences upon police reports, section 190.
(5) Power to take cognizance of offences without complaints, section 190.

IV. Powers with which a Taluk Magistrate may be invested :—

(1) Power to make orders prohibiting repetitions of nuisances, section 143.

(2) Power to make orders under section 144.

(3) Power to record statements and confessions during a police investigation, section 164.

(4) Power to hold inquests, section 174.

(5) Power to sell property alleged or suspected to have been stolen, etc., section 524.

PART II

By a District Magistrate.—Powers with which a Taluk Magistrate may be invested :—

(1) Power to make orders prohibiting repetitions of nuisances, section 143.

(2) Power to make orders under section 144.

(3) Power to hold inquests, section 174."

66. Amendments to certain Acts specified in the Schedule.—The Acts specified in the Schedule appended to this Act (hereinafter called the Schedule) in their application to the State of Mysore are hereby amended to the extent mentioned in the third column of the Schedule.

67. Amendments not to render invalid notifications, orders, etc., issued before commencement of the Act.—The provisions of this Act, which amend the Code of Criminal Procedure, 1898, and any Act specified in the Schedule so as to alter the manner in which, the authority by which, or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, bye-law, rule, regulation or instrument duly made or issued or anything duly done before the commencement of this Act; and any such notification, order, commitment, attachment, bye-law, rule, regulation or instrument or thing done may be revoked.

varied or undone in the like manner, to the like extent and in the like circumstances, as if it had been done after the commencement of this Act, by a competent authority and in accordance with the provisions then applicable to such case.

68. **Saving.**—(1) Save as provided in this section, nothing in this Act shall be deemed to affect,—

(*a*) the validity, invalidity, effect or consequences of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area;

(*b*) any right, privilege, obligation or liability already acquired, accrued or incurred before such date;

(*c*) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment; and

any such investigation, legal proceeding or remedy may be instituted, continued, or enforced and any such penalty, forfeiture or punishment may be imposed in accordance with the provisions of the relative enactments as amended by this Act.

(2) All legal proceedings pending before a magistrate or court on the date on which this Act comes into force shall, if such magistrate or court ceases to have jurisdiction in respect of such proceedings under the provisions of the relative enactment as amended by this Act, stand transferred to the magistrate or court having jurisdiction under the relative enactment as amended by this Act, and shall be heard and disposed of by such magistrate or court and such magistrate or the court shall have all the powers and jurisdiction thereof as if they had been originally instituted before such magistrate or in such court.

SCHEDULE

(*See* section 67)

Sl. No. (1)	Short title (2)	Extent of amendment (3)
1	The Press and Registration of Books Act, 1867.	In section 1, for the wo ds, '"Magistrate" means any person exercising the full powers of a mag stra e and inclu les a magis rate of Police',the wo ds,'"Magistrate" means Judicial Magistrate' shall be substituted.
2	The Sarais Act, 1867	In section 14, for the word, "Magistrate" the words, "Judicial Magistrate" shall be substitute l.
3	The Ind'an Chris'ian Marriage A_t, 1872.	In section 7, for the words, "Magistrate of the district" the words, "District Magistrate" shall be substituted.
4	The Indian Fisheries Act, 1897.	In section 7, for the wor l, "Magi trate" the words "Judicial Magistrate", shall be substituted.
5	The Indian Electricity Act, 1910.	In section 54, for the words, "a Magistrate", the word-, "an Executive Magistrate" shall be substituted.
6	The Lunacy Act, 1912	In section 3, for clause (6), the following clause shall be substituted, namely:— "(6) Magistrate" means a Judicial Magistrate".
7	The Payment of Wages Act, 1936.	In section 15 for the words "Stipendiary Magistrate", the words "Judicial Magistrate" shall be substituted.
8	The Minimum Wages Act, 1948.	In sub-section (1) of section 20, for the words "stipendiary Magistrate" the words "Judicial Magistrate" shall be substituted.
9	The Madras Coffee Stealing Prevention Act, 1878.	(i) In section 6, for the word, "Magistrate" the word, "Executive Magistrate" shall be substituted. (ii) For the word, "Magistrate" occurring in sections 9, 10, 11 and 13, the words "Judicial Magistrate" shall be substituted.

Sl. No. (1)	Short title (2)	Extent of amendment (3)
10	The Madras Public Health Act, 1939.	(i) In section 46, for the words and brackets "a Magistrate" (not being a Magistrate of the third class) the words, "an Executive Magistrate" shall be substituted. (ii) In section 75, for the words, "any Magistrate not being a Magistrate of the third class" the words "any Executive Magistrate" shall be substituted. (iii) In section 76, in clause (*a*) of sub-section (3), for the words "a Magistrate" the words, "an Executive Magistrate" shall be substituted. (iv) In section 141, for the words, "nearest Magistrate", the words, "nearest Judicial Magistrate" shall be substituted.
11	The Madras Compulsory Labour Act, 1858.	In section 2, for the word "Magistrate" at both the places in which it occurs the words "Judicial Magistrate" shall be substituted.
12	The Mysore Coffee Stealing Prevention Act, 1878.	For the word "Magistrate" wherever it occurs, the words "Judicial Magistrate" shall be substituted.
13	The Land Acquisition Act, 1894.	(i) In section 46, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted. (ii) In section 47, for the words "a Magistrate" the words "an Executive Magistrate" shall be substituted.
14	The Mysore Lepers Act, 1925.	(i) In section 7,— (*a*) in clause (b) of sub-section (1), for the words "a Magistrate" the words "an Executive Magistrate" shall be substituted; (*b*) in sub-section (2), for the word "Magistrate" at the two places where it occurs, the words "Executive Magistrate" shall be substituted.

Sl. No. (1)	Short title (2)	Extent of amendment (3)
		(ii) In section 8, in sub-section (1), for the words " Magistrate of the First class or to any other Magistrate ", the words " any other Executive Magistrate " shall be substituted.
15	The Mysore Public Health Act, 1944.	(i) In section 47, for the words and brackets "to a Magistrate (not being a Magistrate of the third class)", the words " to an Executive Magistrate " shall be substituted. (ii) In section 68, for the words and brackets " Magistrate (not being a Magistrate of the third class) ", the words " an Executive Magistrate ". shall be substituted. (iii) In section 75, for the words " any Magistrate" the words " any Executive Magistrate" and for the words " a Magistrate " wherever it occurs, the words " an Executive Magistrate" shall be substituted. (iv) In section 76, for the words " any Magistrate " the words " any Executive Magistrate " shall be substituted. (v) In section 77, in clause (a) of sub-section (3), for the words " before a Magistrate ", the words " before an Excutive Magistrate " shall be substituted. (vi) In section 143, in clause (b), for the word " Magistrate ", the words " a Judicial Magistrate " shall be substituted.
16	The Mysore Prohibition of Beggary Act, 1944.	(i) For the words " the Magistrate " occurring in sections 15 and 16 and in sub-section (1) of section 18, the words " the Executive Magistrate ' shall be substituted. (ii) For the word " Magistrate " occurring in sub-section (2) of section 18 and in section 20, the words " Judicial Magistrate " shall be substituted.

Sl. No. (1)	Short title (2)	Extent of amendment (3)
17	The Mysore Lotteries and Prize Competitions Control and Tax Act, 1951.	In section 18, (a) in clause (i) for the words "a Magistrate of the First Class", the words "an Executive Magistrate" shall be substituted. (b) in clause (c), for the word "Magistrate" the words "Judicial Magistrate" shall be substituted.
18	The Mysore Police Act, 1963.	(i) In section 67, for the word "Magistrate" the words "Judicial Magistrate" shall be substituted. (ii) In section 71, for the word "Magistrate the words "Judicial Magistrate" shall be substituted, (iii) In section 72, for the word "Magistrate" the words "Executive Magistrate" shall be substituted. (iv) In section 121, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.
19	The Mysore Prisons Act, 1963 (Mysore Act 33 of 1963).	In sub-section (2) of section 57, for the words "before a Magistrate", the words "before a Judicial Magistrate" shall be substituted.
20	The Coorg Registration of Births and Deaths Act, 1932.	In section 18, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.
21	The Coorg Agricultural Pests and Diseases Act, 1933.	(i) In section 15, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted. (ii) In section 16, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.
22	The Hyderabad Ferries Act, 1314 Fasli.	In section 29, for the word "Magistrate", the words "Judicial Magistrate" shall be substituted.
23	The Hyderabad Cattle Trespass Act, 1337 Fasli.	(i) In section 18, in sub-section (1), for the word "Magistrate,' the words "Judicial Magistrate" shall be substituted. (ii) In section 21, for the words "Taluq Magistrate", the words "Judicial Magistrate' shall be substituted.

Sl. No. (1)	Short title (2)	Extent of amendment (3)
24	The Prevention of Beggary Act, 1350 Fasli.	In section 2, in sub-section (2), for the words "a Magistrate" the words "an Executive Magistrate" shall be substituted.
25	The Hyderabad Fisheries Act, 1356 Fasli.	In section 6, in sub-section (2), for the words "a Magistrate", the words "a Judicial Magistrate" shall be substituted.
26	The Hyderabad Registration of Births and Deaths Regulation, 1359 Fasli.	For the word "Magistrate" wherever it occurs, the words "Judicial Magistrate" shall be substituted.
27	The Hyderabad Leprosy Act, 1954.	(i) In section 7, in clause (b), for the words "before a Magistrate" the words "before an Executive Magistrate" shall be substituted. (ii) In section 8, the words "Magistrate of the First Class or to any other" shall be omitted. (iii) In section 9, in the proviso, for the words "the Magistrate", the words "Judicial Magistrate" shall be substituted. (iv) In section 10, (a) in sub-section (1), for the words 'the Magistrate", the words "the Judicial Magistrate" shall be substituted; (b) sub-section (3) shall be omitted. (v) In section 11, for the words "before the Magistrate", the words "before the Judicial Magistrate" shall be substituted.

By Order and in the name of the Governor of Mysore,

M. A. SRIKRISHNA,

Joint Secretary to Government,
Law Department.